

OCTOBER 1, 2008

REGULATORY REVIEW AND EVALUATION ACT:

WORKPLANS FOR:

Subtitle 31 HEALTH OCCUPATION BOARDS

Subtitle 32 BOARD OF PHYSICIANS

Subtitle 33 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subtitle 34 BOARD OF PHARMACY

Subtitle 35 POSTMORTEM EXAMINERS COMMISSION

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

SUBMITTED BY:

**Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
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EXEMPTION REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health and Mental Hygiene has certified to the Governor and the AELR Committee that a review of the following chapters would not be effective or cost-effective and therefore are exempt from the review process based on the fact that they were either initially adopted (IA) or comprehensively amended (CA) during the preceding 8 years:

Subtitle 31 HEALTH OCCUPATION BOARDS

10.31.02 Tax Compliance Regulations I.A. December 11, 2003

Subtitle 32 BOARD OF PHYSICIANS

10.32.03 Delegation of Duties by a Licensed Physician—Physician Assistant C.A. May 1, 2004

10.32.10 Certification of Radiation Oncology/Therapy Technologists, Medical Radiation Technologist, and Nuclear Medicine Technologists
C.A. 3/1/2004

10.32.14 Unlicensed X-Ray Assistant C.A. March 1, 2004

10.32.18 Compelling Purpose Disclosure I.A. June 10, 2002

Subtitle 34 BOARD OF PHARMACY

10.34.01 Disciplinary Proceedings C.A. September 1, 2003

10.34.02 Examination for Licensure and Professional Experience Programs C.A. February 17, 2003

10.34.04 Transfer and Outsourcing of Prescriptions and Prescription Orders C.A. June 25, 2001

10.34.08 Information Required on Prescriptions or Patient Drug Profiles C.A. January 28, 2008

10.34.09 Fees C.A. January 28, 2008

10.34.10 Pharmacist Code of Conduct C.A. January 28, 2008

10.34.11 Monetary Penalties C.A. January 28, 2008

10.34.14 Closure of Pharmacies C.A. April 16, 2001

10.34.16 Portable Drug Kits for Licensed Home Health Agencies, Hospices, & Home Infusion Providers Licensed as Residential Services Agencies C.A. April 16, 2001

10.34.19 Sterile Pharmaceutical Compounding C.A. September 10, 2007

10.34.20 Format of Prescription Transmission C.A. December 25, 2000

10.34.21 Standard of Practice for Unlicensed Personnel C.A. January 28, 2008

10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors C.A. April 7, 2008

10.34.24 Record of Drug Inventory Acquisition C.A. September 17, 2001

10.34.25 Delivery of Prescriptions I.A. December 10, 2001

10.34.26 Patient Safety Improvement I.A. October 27, 2003

10.34.27 Compelling Purpose Disclosure I.A. January 7, 2002

10.34.28 Automated Medication Systems I.A. August 5, 2002

10.34.29 Drug Therapy Management I.A. December 11, 2003

10.34.30 Name Change—Pharmacy or Distribution Permit Holder I.A. November 10, 2003

10.34.31 Dispensing or Distributing at a Setting That Does Not Possess a Pharmacy Permit I.A. March 1, 2004

10.34.32 Pharmacist Administration of Influenza Vaccination I.A. April 24, 2006

10.34.33 Prescription Drug Repository Program I.A. January 29, 2007

10.34.34 Pharmacy Technicians I.A. January 28, 2008

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

10.36.05 Code of Ethics and Professional Conduct C.A. November 10, 2003

CHAPTERS THAT HAVE BEEN (or will soon be) REPEALED/ VACANT/ OR TRANSFERRED

Subtitle 32 BOARD OF PHYSICIANS

10.32.05 Discipline of Cardiac Rescue Technician - Repealed

10.32.06 Delegation of Duties by a Licensed Physician—Cardiac Rescue Technician - Repealed

10.32.08 Delegation of Duties by a Licensed Physician—Emergency Medical Technician—Paramedic - Repealed

10.32.09 Identification of Medical Specialties – Repealed

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

10.36.04 Expungement of Board Records - Repealed

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 31 HEALTH OCCUPATION BOARDS
10.31.01 CODE OF CONDUCT FOR BOARD MEMBERS AND INVESTIGATORS**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR 10.31.01 for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Robin Bailey	10/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website	Robin Bailey	12/1/09
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via notification in the Maryland Register	Robin Bailey	12/1/09
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH to solicit comment	Robin Bailey	12/1/09
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:		
	A. Not applicable		
	B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured	Robin Bailey	3/1/09
	C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Robin Bailey	3/1/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation	Robin Bailey	6/1/09

based on the following criteria:

- A. Continue to be necessary for public interest;
- B. Continue to be supported by statutory authority and judicial opinions;
- C. Are obsolete or otherwise appropriate for amendment or repeal;
- D. Continue to be effective in accomplishing the intended purpose of the regulations;
- E. The information gathered under Action Steps 1 - 3.

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Robin Bailey	8/1/09
	2. Write draft report.	Robin Bailey	8/15/09
	3. Coordinate executive reviews of draft report.	Robin Bailey	8/22/09
	4. Consolidate review comments and prepare final report.	Robin Bailey	9/1/09

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 32 BOARD OF PHYSICIANS**

10.32.01 GENERAL LICENSURE REGULATIONS

10.32.04 DELEGATION OF DUTIES BY A LICENSED PHYSICIAN-PSYCHIATRIST TO A PSYCHIATRIST'S ASSISTANT

10.32.07 UNLICENSED MEDICAL PRACTITIONERS

10.32.11 LICENSING OF RESPIRATORY CARE PRACTITIONERS

**10.32.12 DELEGATION OF ACTS BY A LICENSED PHYSICIAN TO AN ASSISTANT NOT OTHERWISE AUTHORIZED UNDER THE
HEALTH**

OCCUPATIONS ARTICLE OR THE EDUCATION ARTICLE

10.32.13 PHYSICIAN LICENSE BY CONCEDED EMINENCE

10.32.15 REGISTRATION OF PHYSICIANS TO PERFORM ACUPUNCTURE

10.32.16 PETITION FOR DECLARATORY RULING

10.32.17 SEXUAL MISCONDUCT

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Karen Wulff	10/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website	Karen Wulff	11/1/08
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via mailings with stakeholders	Karen Wulff	11/1/08
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Karen Wulff	11/1/08
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:		
	A. Not applicable		
	B. Conduct an internet search of other states, particularly states	Karen Wulff	3/1/09

	contiguous to Maryland, to find out whether they have similar regulations and how they are structured		
	C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Karen Wulff	3/1/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Karen Wulff	6/1/09
	A. Continue to be necessary for public interest;		
	B. Continue to be supported by statutory authority and judicial opinions;		
	C. Are obsolete or otherwise appropriate for amendment or repeal;		
	D. Continue to be effective in accomplishing the intended purpose of the regulations;		
	E. The information gathered under Action Steps 1 - 3.		
II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Karen Wulff	8/1/09
	2. Write draft report.		
	3. Coordinate executive reviews of draft report.		
	4. Consolidate review comments and prepare final report.		

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 32 BOARD OF PHYSICIANS
10.32.02 HEARINGS BEFORE THE BOARD OF PHYSICIANS**

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Karen Wulff	10/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website	Karen Wulff	4/30/09
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via mailings with stakeholders	Karen Wulff	4/30/09
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Karen Wulff	4/30/09
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: A. Not applicable B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Karen Wulff	3/1/09
		Karen Wulff	3/1/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: A. Continue to be necessary for public interest; B. Continue to be supported by statutory authority and judicial opinions;	Karen Wulff	6/1/09

- C. Are obsolete or otherwise appropriate for amendment or repeal;
- D. Continue to be effective in accomplishing the intended purpose of the regulations;
- E. The information gathered under Action Steps 1 - 3.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

- 1. Consolidate information obtained from objective #1 above
- 2. Write draft report.
- 3. Coordinate executive reviews of draft report.
- 4. Consolidate review comments and prepare final report.

Karen Wulff

8/1/09

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 33 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
10.33.01 NURSING HOME ADMINISTRATORS**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Pat Hannigan	11/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website (3) Posting of notice on the Board's website	Pat Hannigan	12/1/09
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via notification in the Maryland Register, put an article in the Board newsletter, and notify on the Board's website	Pat Hannigan	12/1/09
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Pat Hannigan	12/1/09
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: A. Not applicable B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured		
		Robin Bailey	3/1/09
		Robin Bailey	3/1/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Pat Hannigan	6/1/09

- A. Continue to be necessary for public interest;
- B. Continue to be supported by statutory authority and judicial opinions;
- C. Are obsolete or otherwise appropriate for amendment or repeal;
- D. Continue to be effective in accomplishing the intended purpose of the regulations;
- E. The information gathered under Action Steps 1 - 3.

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Pat Hannigan	8/1/09
	2. Write draft report.	Pat Hannigan	8/15/09
	3. Coordinate executive reviews of draft report.	Pat Hannigan	8/22/09
	4. Consolidate review comments and prepare final report.	Pat Hannigan	9/1/09

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 34 BOARD OF PHARMACY**

10.34.03 INPATIENT INSTITUTIONAL PHARMACY

10.34.05 PHARMACY SECURITY

10.34.06 REPORTING PHARMACIST'S MAILING ADDRESS AND LOCATION OF EMPLOYMENT

10.34.07 PHARMACY EQUIPMENT

10.34.12 REMOVAL OF EXPIRED PRESCRIPTION DRUGS

10.34.13 REINSTATEMENT OF EXPIRED LICENSES FOR PHARMACISTS

10.34.15 LICENSURE BY RECIPROCITY

10.34.17 WAIVER OF FULL SERVICE REQUIREMENTS FOR RECOGNIZED PHARMACEUTICAL SPECIALTIES

10.34.18 CONTINUING EDUCATION FOR PHARMACISTS

10.34.23 PHARMACEUTICAL SERVICES TO RESIDENTS IN LONG-TERM CARE FACILITIES

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Anna Jeffers	10/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website (3) Posting of notice on the Board's website	Anna Jeffers	11/1/08
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Posting notice on the unit's website and in the Board of Pharmacy Newsletter	Anna Jeffers	11/1/08
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Anna Jeffers	11/1/08
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:		

	A. Not applicable		
	B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured	Anna Jeffers	4/15/09
	C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Anna Jeffers	4/15/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Anna Jeffers	5/1/09
	A. Continue to be necessary for public interest;		
	B. Continue to be supported by statutory authority and judicial opinions;		
	C. Are obsolete or otherwise appropriate for amendment or repeal;		
	D. Continue to be effective in accomplishing the intended purpose of the regulations;		
	E. The information gathered under Action Steps 1 - 3.		
II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Anna Jeffers	5/1/09
	2. Write draft report.		6/1/09
	3. Coordinate executive reviews of draft report.		7/15/09
	4. Consolidate review comments and prepare final report.		8/1/09

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 35 POSTMORTEM EXAMINERS COMMISSION
10.35.01 MEDICAL EXAMINER CASES**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Dr. David Fowler	10/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website (3) Posting of notice on the Commission's website	Dr. David Fowler	11/1/09
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via mailings with stakeholders	Dr. David Fowler	11/1/09
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Dr. David Fowler	11/1/09
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: A. Not applicable B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Dr. David Fowler	3/1/09
		Dr. David Fowler	3/1/09
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Dr. David Fowler	6/1/09

- A. Continue to be necessary for public interest;
- B. Continue to be supported by statutory authority and judicial opinions;
- C. Are obsolete or otherwise appropriate for amendment or repeal;
- D. Continue to be effective in accomplishing the intended purpose of the regulations;
- E. The information gathered under Action Steps 1 - 3.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

- 1. Consolidate information obtained from objective #1 above
- 2. Write draft report.
- 3. Coordinate executive reviews of draft report.
- 4. Consolidate review comments and prepare final report.

Dr. David Fowler

8/1/09

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
SUBTITLE 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS
10.36.01 PROCEDURES
10.36.02 CONTINUING EDUCATION
10.36.03 PROCEDURE FOR BOARD HEARINGS
10.36.06 FEE SCHEDULE
10.36.07 PSYCHOLOGY ASSOCIATE
10.36.08 MONETARY PENALTIES**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR 10.31.01 for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.	1. Inventory affected regulations.	Lorraine Smith	11/1/08
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register (2) Posting notice on Division of State Documents website	Lorraine Smith	12/1/09
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via notification in the Maryland Register, and publication in the Board's newsletter and on the Board's website	Lorraine Smith	12/1/09
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email internal units within DHMH and other State agencies to solicit comments	Lorraine Smith	12/1/09
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:		
	A. Not applicable		
	B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured	Robin Bailey	3/1/09
	C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured	Robin Bailey	3/1/09

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Lorraine Smith	6/1/09
	A. Continue to be necessary for public interest;		
	B. Continue to be supported by statutory authority and judicial opinions;		
	C. Are obsolete or otherwise appropriate for amendment or repeal;		
	D. Continue to be effective in accomplishing the intended purpose of the regulations;		
	E. The information gathered under Action Steps 1 - 3.		
	1. Consolidate information obtained from objective #1 above	Lorraine Smith	8/1/09
	2. Write draft report.	Lorraine Smith	8/15/09
	3. Coordinate executive reviews of draft report.	Lorraine Smith	8/22/09
	4. Consolidate review comments and prepare final report.	Lorraine Smith	9/1/09